FILED
JUL 1 9 1956
JOHN T. FEY, Clerk

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

No. 263

SUSIE V. WATWOOD, *Petitioner*

v.

THE DISTRICT OF COLUMBIA, *Respondent*

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

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PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

INDEX

	Page
Opinion Below	1
Jurisdictional Statement	2
Questions Presented	2
Statutes and Rules Involved	2
Statement	3
Argument	4
Conclusion	5

TABLE OF CASES

District of Columbia v. *Colts*, 282 U.S. 63	5
Johnson v. *Zerbst*, 304 U.S. 458	4
Von Moltke v. *Gillies*, 332 U.S. 708	4
U. S. v. *Davis*, 212 F. 2d 264	4
STATUTES:	
Title 11-772, D.C. Code, 1951	2, 5
Title 11-773, D.C. Code, 1951	3
RULES:	
Rule 1, United States Court of Appeals, District of Columbia Circuit	2, 4
Rule 14(c), Municipal Court D.C.	2, 5
Rule 82(b), Municipal Court D.C.	2, 4
CONSTITUTION:	
Art. 3, par. 2	5

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

No.

SUSIE V. WATWOOD, *Petitioner*

v.

THE DISTRICT OF COLUMBIA, *Respondent*

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Carl L. Shipley, on behalf of Susie V. Watwood, prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the District of Columbia Circuit, entered in the above captioned case on June 21, 1956, denying petitioner's application for an appeal from the judgment herein of the Municipal Court of Appeals for the District of Columbia entered on April 25, 1956.

OPINION BELOW

The opinion of the Court below is reported at page 1a of the Appendix hereto.

JURISDICTION

The jurisdiction of the Supreme Court of the United States is invoked under 28 U.S.C. 1254.

QUESTIONS PRESENTED

1. Whether the Court below acted arbitrarily and in violation of its own rules and applicable law when it denied petitioner's application for an appeal from the Municipal Court of Appeals?

STATUTES AND RULES INVOLVED

Rule 1 of the Rules of the United States Court of Appeals for the District of Columbia Circuit governing review of cases from the Municipal Court of Appeals for the District of Columbia provides in pertinent part:

> "Allowance of an Appeal from the Municipal Court of Appeals * * * will be granted only where there are special and important reasons therefor."

Rule 14(c), Municipal Court Rules, provides in pertinent part:

> "In a case tried without a jury the Court shall make a general finding and shall in addition on request find the facts specially."

Rule 82(b), Municipal Court Rules, provides in pertinent part:

> "The use of one of the official court reporters * * * shall be a matter for determination by the trial judge. * * *. This shall be without prejudice to the right of any party to employ a private court reporter * * *."

Title 11-772, D. C. Code 1951, provides in pertinent part:

> "When the appealing party is not represented by counsel, it shall be the duty of the clerk to prepare the application in his behalf."

Title 11-773, D. C. Code 1951, provides in pertinent part:

> "Any party aggrieved by any judgment of the Municipal Court of Appeals * * * may seek a review thereof by the United States Court of Appeals. * * *."

STATEMENT OF CASE

On October 25, 1955, petitioner was found guilty, in a trial without jury and without defense counsel, in the Criminal Division of the Municipal Court on five charges, i.e., disorderly conduct, failure to stop at a stop sign, failure to exhibit her operator's permit and registration, and parking her car within three feet of another vehicle parallel to the curb. All of the charges grew out of an unjustified and arbitrary refusal of the arresting officer to let petitioner explain that she was not responsible for the parallel parking violation which started the difficulty. While petitioner was away from her car either it was pushed, or another vehicle parked too close. When she sought to explain, the officer who was putting a ticket on her windshield when she returned threatened to impound her car and in a fit of pique issued four other tickets.

Petitioner was tried in police court without a jury, without a court reporter, despite her protests and request for one, and despite the fact she had no counsel and had been unable to obtain counsel. Upon conviction, petitioner appealed (within the 3 days allowed), still without counsel and unable to obtain a lawyer, and upon a refusal of the Municipal Court to review,

she petitioned for reconsideration, then appealed to the United States Court of Appeals, where review was denied. Therefore, petitioner's conviction is unreviewed, and accomplished with no record, no defense counsel, and no appeal. In short, petitioner received drum-head justice and no more.

ARGUMENT

The Court below was bound to follow its own Rule 1 and grant an appeal where "there are special and important reasons therefor." *Rule 1, United States Court of Appeals for the District of Columbia Circuit, Governing Review of Cases from the Municipal Court of Appeals, 1948 ed.* Petitioner's statement of the case clearly shows special and important reasons for allowance of an appeal. Said statement is uncontroverted in the record, and, in any event, must be controverted beyond a reasonable doubt before her allegations can be disregarded.

Taken as true, as they must be, for purposes of denying the appeal, petitioner was entitled to an opportunity to procure a court reporter at her own expense if the trial court determined no official reporter was available. *Rule 82 (b), Municipal Court Rules.* She was denied a reporter.

Petitioner was entitled to counsel, or to have the trial court assign counsel, if she could not obtain counsel. *Johnson* v. *Zerbst,* 304 U.S. 458. She had no counsel and the trial court did not assign one. *Von Moltke* v. *Gillies,* 332 U.S. 708.

Petitioner was entitled to notice that she was being charged with disorderly conduct. *U. S.* v. *Davis,* 212 F. 2d 264. She was given none.

Absent counsel, petitioner was entitled to competent help by the clerk in preparation of her appeal. *Title 11-772, D. C. Code, 1951.* She was given totally inadequate help, as the record shows.

Petitioner was entitled to findings of fact which could be reviewed on appeal. *Rule 14(c), Municipal Court Rules.* She was given none, as the record shows.

Petitioner was entitled to a jury trial. She was charged with the crime of disorderly conduct (Sec. 22-1101, et seq, D. C. Code), plus other offenses. *Art. 3, par. 2, line 3, U. S. Constitution; District of Columbia* v. *Colts,* 282 U.S. 63. She was given none.

Petitioner was entitled to a *right* of review, not just permissive review, where she was charged and tried for five offenses, including the crime of disorderly conduct, without counsel and without a jury.

Operating under the umbrella of Title 11-772, the Municipal Court, which is none the less a Federal court and bound by the Federal Constitution, has developed a system of drum-head justice in small cases which avoids all of the procedural safeguards provided in the Federal Constitution. Petitioner's case is a flagrant example of it, and it is a situation which cries inexorably for correction.

WHEREFORE, the premises considered, petitioner prays that her petition for a writ of certiorari be granted.

CARL L. SHIPLEY
Attorney for Petitioner
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Washington 4, D. C.

July 11, 1956

APPENDIX

APPENDIX

Filed June 21, 1956

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

April Term, 1956

Nos. 13,336 and 13,341-344

SUSIE V. WATWOOD, *Petitioner,*

v.

THE DISTRICT OF COLUMBIA, *Respondent.*

Order

Before: Bazelon, Fahy and Bastian, Circuit Judges, in Chambers.

Upon consideration of the petition for allowance of an appeal from the judgment of the Municipal Court of Appeals for the District of Columbia entered herein on April 25, 1956, of petitioner's brief in support and of respondent's brief in opposition thereto, it is

ORDERED by the Court that the aforesaid petition for allowance of an appeal be, and it is hereby, denied.

PER CURIAM.

Dated June 21, 1956

INDEX

Subject Index

	PAGE
Opinions Below	1
Jurisdiction	2
Questions Presented	2
Statutes Involved	3
Rules of Court	3
Counter-Statement of the Case	3
Summary of the Argument	4
Argument:	
I. *Under no theory is petitioner entitled to a review by this Court of the order of the United States Court of Appeals*	5
II. *Ordinarily this Court will not review cases involving the enforcement of laws of purely local application in the District of Columbia*	7
Conclusion	8
Appendices:	
Appendix A:	
Orders denying applications for allowance of appeal to the Municipal Court of Appeals	1-6
Motion for Reconsideration	6
Minute entry of denial of motion for reconsideration	7
Addendix B:	
Petition for allowance of appeal to the United States Court of Appeals	7
Order denying petition for allowance of appeal	8
Appendix C:	
Statutes Involved	8
Rules of Court	10

Cases Cited

American Security and T. Co. v. *District of Columbia*, 224 U. S. 491, 32 S. Ct. 553, 56 L. Ed. 856	7
Del Vecchio v. *Bowers*, 296 U. S. 280, 56 S. Ct. 190, 80 L. Ed. 229	7

PAGE

District of Columbia v. *Pace*, 320 U. S. 698, 702, 64 S. Ct. 406, 88 L. Ed. 408 7
Ferguson v. *District of Columbia*, 270 U. S. 633, 46 S. Ct. 355, 80 L. Ed. 771 5
Fisher v. *United States*, 328 U. S. 463, 66 S. Ct. 1318, 90 L. Ed. 1382, 166 A. L. R. 1176 7
Ford v. *District of Columbia*, D. C. Mun. App., 102 A. 2d 838, aff. 95 U. S. App. D. C. 87, 219 F. 2d 769, cert. den. 349 U. S. 964 L. Ed. 1286 5
Gersing, et al v. *Chafitz, et al.*, 77 U. S. App. D. C. 38, 133 F. 2d 384 7
Griffith v. *United States*, 336 U. S. 704, 718, 69 S. Ct. 814, 93 L. Ed. 993, rehear. den. 337 U. S. 921, 69 S. Ct. 1152, 93 L. Ed. 1730 7
Nowinski v. *Hagner and Company*, D. C. Mun. App., 100 A. 2d 452, app. den. U. S. App., D. C., cert. den. 347 U. S. 991, 98 L. Ed. 1124 6
Randolph v. *Randolph*, 91 U. S. App. D. C. 170, 178 F. 2d 956 7
Simato v. *District of Columbia*, D. C. Mun. App., 108 A. 2d 376, app. den. U. S. App. D. C., cert. den. 349 U. S. 963, 99 L. Ed. 1285 5
United Surety Co. v. *American Fruit Product Co.*, 238 U. S. 140, 35 S. Ct. 882, 59 L. Ed. 1238 7

STATUTES CITED

Revised Judicial Code, 1948 Edition Title 28, U. S. C., Chap. 81, § 1254 2, 3, 5, 6

Act of April 1, 1942, 56 Stat. 195, ch. 207,
Sections 7, 8 3

District of Columbia Code, 1951:
Section 11-772(a) 3
Section 11-773 3

RULES OF COURT CITED

Rules of the United States Court of Appeals for the District of Columbia Circuit Governing Review of Cases from the Municipal Court of Appeals:
Rule 1 3

Rules of the Supreme Court of the United States:
Rule 19 (b) 7

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

No. 263

SUSIE V. WATWOOD, *Petitioner*,

v.

DISTRICT OF COLUMBIA, *Respondent*.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

BRIEF FOR RESPONDENT IN OPPOSITION

OPINIONS BELOW

There were no opinions by the Municipal Court of Appeals for the District of Columbia and its orders denying applications for allowance of an appeal and for reconsideration are not reported, but copies thereof appear in Appendix "A" of respondent's brief at pages 2-6. There was no opinion by the United States Court of Appeals for the District of Columbia Circuit and its order denying an appeal from the order of the Municipal Court of Appeals for the District of Columbia denying reconsideration of prior orders is not

reported, but a copy thereof appears in Appendix "B" of respondent's brief at page 8.

JURISDICTION

The orders of the Municipal Court of Appeals for the District of Columbia denying applications for allowance of appeal from the Municipal Court for the District of Columbia (Appendix "A," *infra*, pp. 2-6) were entered November 28, 1955. The order of the Municipal Court of Appeals denying reconsideration (Appendix "A," *infra*, p. 7) was entered April 25, 1956. The order of the United States Court of Appeals for the District of Columbia Circuit denying appeal from the Municipal Court of Appeals for the District of Columbia (Appendix "B," *infra*, p. 8) was entered June 21, 1956.

The petition for a writ of certiorari was filed July 19, 1956, and the jurisdiction of this Court was invoked under 28 U. S. C., Sec. 1254.

QUESTIONS PRESENTED

Petitioner was convicted in the Criminal Division of the Municipal Court for the District of Columbia of five petty offenses involving violations of local police regulations. Applications to the Municipal Court of Appeals for the District of Columbia for allowance of appeal were denied. Almost five months thereafter petitioner filed a motion for reconsideration and, upon its denial, petitioned the United States Court of Appeals for the District of Columbia Circuit for allowance of appeal which was also denied.

In the opinion of the respondent, the questions presented are:

1. Is petitioner entitled to a review by this Court of the order of the Circuit Court which denied appeal to it from the order of the Municipal Court of Appeals denying re-

consideration of orders entered almost five months prior thereto?

2. In view of the record, which shows that the matters involved arose out of the enforcement of police regulations of purely local application (See Original Record), is this a proper case for the exercise of the jurisdiction of the Supreme Court to review on writ of certiorari?

STATUTES INVOLVED

Revised Judicial Code, 1948 edition Title 28 U. S. C., Chap. 81, Sec. 1254.

Act of Congress approved April 1, 1942, 56 Stat. 195, Chap. 207, Secs. 7 and 8. Title 11-772, 11-773, D. C. Code, 1951 edition.

RULES OF COURT INVOLVED

Rules of the United States Court of Appeals for the District of Columbia Circuit Governing Review of Cases from the Municipal Court of Appeals:

Rule 1.

The pertinent text of the Statutes and Rules of Court involved are set forth in Appendix "C" hereto.

COUNTER-STATEMENT OF THE CASE

On October 25, 1955 petitioner was found guilty in the Criminal Division of the Municipal Court for the District of Columbia on five informations, four of which charged petitioner with violations of the Traffic and Motor Vehicle Regulations, and the remaining one of which charged petitioner with disorderly conduct. On each of three of the charges petitioner was sentenced to pay a fine of $3.00 or, in default, to serve two days imprisonment; and on the fourth traffic charge she was sentenced to pay a fine of $5.00 or, in default, to serve two days imprisonment. The sentence imposed on the disorderly conduct charge was a fine of $10.00 or, in default, to serve two days imprisonment. The

later sentence however, was, on the same day, set aside and vacated and the imposition of a new sentence was suspended.

Petitioner made timely applications to the Municipal Court of Appeals for the District of Columbia for allowance of appeal from the judgment of conviction on each of the five charges and on November 28, 1955 the application in each case was denied pursuant to Section 11-772, D. C. Code, 1951 Edition (Appendix "A," *infra*, pp. 2-6).

Five months later, on April 11, 1956, petitioner filed a motion in the Municipal Court of Appeals for the District of Columbia requesting reconsideration of that court's orders of November 28, 1955 denying the applications for allowance of appeal, and on April 25, 1956 the motion for reconsideration was denied (Appendix "A," *infra*, p. 7). Petitioner then filed in the United States Court of Appeals for the District of Columbia Circuit a petition for allowance of appeal from the "Judgment of the Municipal Court of Appeals for the District of Columbia entered on the 25th day of April, 1956" (Appendix "B," *infra*, p. 8). On June 21, 1956 the United States Court of Appeals for the District of Columbia Circuit made an order denying appeal (Appendix "B," *infra*, p. 8).

SUMMARY OF THE ARGUMENT

The United States Court of Appeals for the District of Columbia Circuit having denied appeal from the order of the Municipal Court of Appeals, this case is not a "case in the court[s] of appeals" for the purposes of review by the Supreme Court on writ of certiorari.

The matters of which petitioner complains arose out of the enforcement of laws of purely local application (See Original Record), and the Municipal Court of Appeals for the District of Columbia having determined that there was substantial evidence to support the judgments of conviction, such determination had the effect of an affirmance from which there could be no further appeal.

ARGUMENT

I

Under no theory is petitioner entitled to a review by this Court of the order of the United States Court of Appeals.

Petitioner would have this Court review the action of the United States Court of Appeals for the District of Columbia Circuit in denying an appeal from an order of the Municipal Court of Appeals for the District of Columbia (Appendix "B," *infra*, p. 8). To this end petitioner has invoked the provisions of 28 U. S. C., Ch. 81, Sec. 1254, which provides in pertinent part:

> "Sec. 1254. Courts of appeals; certiorari; * * * Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:
>
> (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, * * *."

The fact, apparent from the record (Appendix "B," *infra*, p. 8), that the United States Court of Appeals for this Circuit denied appeal to it from the order of the Municipal Court of Appeals is proof positive that this case was never "in the court[s] of appeals" for the purposes of review under 28 U. S. C., Sec. 1254, *supra*. See, in this connection, *Ferguson* v. *District of Columbia*, 270 U. S. 633, 46 S. Ct. 355, 80 L. Ed. 771, where a writ of certiorari to review an order of the United States Court of Appeals for the District of Columbia, denying a writ of error to the Police Court of the District, was denied for want of jurisdiction under Section 240 of the Judicial Code, as amended by the Act of February 13, 1925, Chap. 229, 43 Stat. 938 (now 28 U. S. C., § 1254). And see *Simato* v. *District of Columbia*, D. C. Mun. App., 108 A. 2d 376, app. den. U. S. Ct. App. D. C., cert. den. 349 U. S. 963, 99 L. Ed. 1285; *Ford* v. *District of*

Columbia, D. C. Mun. App., 102 A. 2d 838, aff. 95 U. S. App. D. C. 87, 219 F. 2d 769, cert. den. 349 U. S. 964, 99 L. Ed. 1286; *Nowinski* v. *Hagner and Company*, D. C. Mun. App., 100 A. 2d 452, app. den. U. S. Ct. of Appeals, D. C., cert. den. 347 U. S. 991, 98 L. Ed. 1124.

But even if this case be considered a "case in the court[s] of appeals" within the purview of 28 U. S. C., § 1254, *supra*, it is crystal clear from the record that petitioner is not entitled to a review by this Court.

The order, review of which is sought (Appendix "B," *infra*, p. 8) denied an appeal to the United States Court of Appeals for this Circuit from an order of the Municipal Court of Appeals for the District of Columbia (Appendix "A," *infra* p. 7), which denied reconsideration of orders of that court entered *five months prior* to the time reconsideration was sought (Appendix "A," *infra*, pp. 2-6).

The latter orders denied applications for allowance of appeal from judgments of the Criminal Division of the Municipal Court for the District of Columbia in five petty cases. In each of three of the cases the penalty imposed was $3.00; in the fourth, the penalty was $5.00; and in the fifth, the penalty was $10.00. The penalty imposed in each of the cases carried an alternate jail sentence of two days. The sentence in the latter case, however, was vacated on the same day and the imposition of a new sentence was suspended.

Since the penalty imposed in each of the five cases was less than $50.00, review of the judgments of conviction was controlled by the Act of April 1, 1942, § 11-772, D. C. Code, 1951 Edition (Appendix "C," *infra*, p. 9). The language of that section is unambiguous and expresses the clear intention of the Congress that the denial by the Municipal Court of Appeals of an appeal in such cases "* * * shall stand as an affirmance of the judgment of the trial court, from which there shall be no further appeal * * *." It is, therefore, too clear for futher discussion that, upon entry of the orders of November 28, 1955 (Appendix "A," *infra*, 2-6),

petitioner's right to seek review of the judgments of conviction was exhausted.

And petitioner acquired no right to a further review by filing on April 13, 1956, almost five months thereafter, a motion for reconsideration of such orders (Appendix "A," *infra*, p. 6). See, in this connection, *Gersing, et al.* v. *Chafitz, et al.*, 77 U. S. App. D. C. 38, 133 F. 2d 381; *Randolph* v. *Randolph*, 91 U. S. App. D. C. 170, 178 F. 2d 956, where it was held, consistent with the general rule in criminal cases, that an appeal does not lie from an order denying a motion for reconsideration, but that the appeal must be taken from the judgment itself.

II

Ordinarily this Court will not review cases involving the enforcement of laws of purely local application in the District of Columbia.

This Court has generally refused to review decisions of courts of the District of Columbia in cases arising out of the enforcement of laws limited in their application to, or which declare the common law of, the District of Columbia. *American Security and T. Co.* v. *District of Columbia*, 224 U. S. 491, 32 S. Ct. 553, 56 L. Ed. 856; *Del Vecchio* v. *Bowers*, 296 U. S. 280, 56 S. Ct. 190, 80 L. Ed. 229; *District of Columbia* v. *Pace*, 320 U. S. 698, 702, 64 S. Ct. 406, 88 L. Ed. 408; *United Surety Co.* v. *American Fruits Product Co.*, 238 U. S. 140, 35 S. Ct. 882, 59 L. Ed. 1238. See also *Griffith* v. *United States*, 336 U. S. 704, 718, 69 S. Ct. 814, 93 L. Ed. 993, rehear. den. 337 U. S. 921, 69 S. Ct. 1152, 93 L. Ed. 1730; *Fisher* v. *United States*, 328 U. S. 463, 66 S. Ct. 1318, 90 L. Ed. 1382, 166 A. L. R. 1176.

Since there has been herein no decision by the United States Court of Appeals for this Circuit on any question of Federal law, this case is clearly not of the class of cases contemplated by Rule 19(b) of the Rules of this Court.

Petitioner contends that at the trial she was (1) denied an opportunity to obtain a court reporter, (2) denied counsel, (3) not given notice that she was being charged with disorderly conduct, (4) denied competent assistance in the preparation of her appeal, (5) denied a jury trial, and (6) entitled to a review as a matter of right. Significantly enough, however, petitioner has referred the Court to no portion of the record which supports any such contentions. Moreover, there is nothing in the record to show that any such points were raised at the trial or in the applications for allowance of appeal filed in the Municipal Court of Appeals.

The conclusion is, therefore, irresistible that the petition filed herein is wholly lacking substance.

CONCLUSION

Accordingly respondent respectfully submits that *the* petition for writ of certiorari should be denied.

Respectfully submitted,

VERNON E. WEST,
Corporation Counsel, D. C.,
CHESTER H. GRAY,
Principal Assistant Corporation Counsel, D. C.,
HUBERT B. PAIR,
Assistant Corporation Counsel, D. C.,
Attorneys for Respondent,
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APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

APRIL TERM, 1956

No. 13336

SUSIE V. WATWOOD, *Petitioner*,

v.

DISTRICT OF COLUMBIA, *Respondent*.

No. 13341

SUSIE V. WATWOOD, *Petitioner*,

v.

DISTRICT OF COLUMBIA, *Respondent*.

No. 13342

SUSIE V. WATWOOD, *Petitioner*,

v.

DISTRICT OF COLUMBIA, *Respondent*.

No. 13343

SUSIE V. WATWOOD, *Petitioner*,

v.

DISTRICT OF COLUMBIA, *Respondent*.

No. 13344

SUSIE V. WATWOOD, *Petitioner*,

v.

DISTRICT OF COLUMBIA, *Respondent*.

PETITION FOR ALLOWANCE OF APPEAL FROM THE MUNICIPAL COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

Dated May 9, 1956.

IN THE
MUNICIPAL COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

Numbers 1326, 1327, 1328, 1329, 1330 Original

SUSIE V. WATWOOD, *Applicant*,

v.

DISTRICT OF COLUMBIA, *Respondent*.

APPLICATION FOR ALLOWANCE OF APPEAL FROM THE MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA, CRIMINAL DIVISION

Dated October 28, 1955

* * * * * * * * *

7 No. 1326 ORIGINAL

OCTOBER TERM, 1955

D. C. 22473-55

SUSIE V. WATWOOD, *Applicant*,

v.

DISTRICT OF COLUMBIA, *Respondent*.

ORDER

The application for allowance of appeal from the judgment of the Municipal Court for the District of Columbia,

Criminal Division, entered in the above entitled case on October 25, 1955, having been submitted to and considered by the chief judge and both associate judges, and each of them being of the opinion that the appeal should be denied, it is

ORDERED That the application be and the same is hereby denied in accordance with Code 1951, 11-772.

BY THE COURT:

NATHAN CAYTON, *Chief Judge.*

Dated November 28, 1955.

* * * * * * * * *

21 No. 1327 ORIGINAL

OCTOBER TERM, 1955

TR-10073-55

SUSIE V. WATWOOD, *Applicant,*

v.

DISTRICT OF COLUMBIA, *Respondent.*

ORDER

The application for allowance of appeal from the judgment of the Municipal Court for the District of Columbia, Criminal Division, entered in the above entitled case on October 25, 1955, having been submitted to and considered by the chief judge and both associate judges, and each of them being of the opinion that the appeal should be denied, it is

ORDERED That the application be and the same is hereby denied in accordance with Code 1951, 11-772.

BY THE COURT:

NATHAN CAYTON, *Chief Judge.*

Dated November 28, 1955.

* * * * * * * * *

26 No. 1328 ORIGINAL.

OCTOBER TERM, 1955

TP-10074-55

SUSIE V. WATWOOD, *Applicant,*

v.

DISTRICT OF COLUMBIA, *Respondent.*

ORDER

The application for allowance of appeal from the judgment of the Municipal Court for the District of Columbia, Criminal Division, entered in the above entitled case on October 25, 1955, having been submitted to and considered by the chief judge and both associate judges, and each of them being of the opinion that the appeal should be denied, it is

ORDERED That the application be and the same is hereby denied in accordance with Code 1951, 11-772.

BY THE COURT:

NATHAN CAYTON, *Chief Judge.*

Dated November 28, 1955.

* * * * * * * * *

33 No. 1329 ORIGINAL

OCTOBER TERM, 1955

TR-10075-55

SUSIE V. WATWOOD, *Applicant*,

v.

DISTRICT OF COLUMBIA, *Respondent*.

ORDER

The application for allowance of appeal from the judgment of the Municipal Court for the District of Columbia, Criminal Division, entered in the above entitled case on October 25, 1955, having been submitted to and considered by the chief judge and both associate judges, and each of them being of the opinion that the appeal should be denied, it is

ORDERED That the application be and the same is hereby denied in accordance with Code 1951, 11-772.

BY THE COURT:

NATHAN CAYTON, *Chief Judge*.

Dated November 28, 1955.

* * * * * * * * *

38 No. 1330 ORIGINAL

OCTOBER TERM, 1955

TR-10076-55

SUSIE V. WATWOOD, *Applicant*,

v.

DISTRICT OF COLUMBIA, *Respondent*.

ORDER

The application for allowance of appeal from the judgment of the Municipal Court for the District of Columbia, Criminal Division, entered in the above entitled case on October 28, 1955, having been submitted to and considered by the chief judge and both associate judges, and each of them being of the opinion that the appeal should be denied, it is

ORDERED That the application be and the same is hereby denied in accordance with Code 1951, 11-772.

BY THE COURT:

NATHAN CAYTON, *Chief Judge.*

Dated November 28, 1955.

* * * * * * * * *

8 Numbers 1326, 1327, 1328, 1329, 1330

SUSIE V. WATWOOD, *Applicant,*

v.

DISTRICT OF COLUMBIA, *Respondent.*

MOTION FOR RECONSIDERATION

Comes now applicant, Susie V. Watwood, and moves this Honorable Court for reconsideration of an application for an appeal filed herein on October 28, 1955, on the following grounds: * * *

Dated April 13, 1956.

16 * * * *

April 25, 1956

The following action was this day taken by the Court in Case Nos. 1326-1330 Orig.

Watwood v. District of Columbia

Motion for Reconsideration—denied.

C. Newell Atkinson, *Clerk*.

* * * * * * * * * *

39 I, C. Newell Atkinson, Clerk of the Municipal Court of Appeals for the District of Columbia, hereby certify the foregoing printed and typewritten pages, numbered from 1-38, inclusive, to be a true and correct copy of the record and proceedings in the case of

Susie V. Watwood, *Applicant*,

v.

District of Columbia, *Respondent*.

Numbers 1326, 1327, 1328, 1329, 1330.

Dated May 8, 1956.

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

April Term, 1956

Nos. 13336, 13341, 13342, 13343, 13344

Susie V. Watwood, *Petitioner*,

v.

District of Columbia, *Respondent*.

PETITION FOR ALLOWANCE OF APPEAL FROM THE MUNICIPAL COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

Petition is hereby made by Susie V. Watwood, 1620 Fuller Street, N. W., Washington, D. C., for allowance of an appeal from the judgment of the Municipal Court of Appeals for the District of Columbia, entered on the 25th day of April, 1956, in the case entitled *Susie V. Watwood* v. *D. C.*, Nos. 1326, 1327, 1328, 1329, 1330, in said Municipal Court of Appeals in favor of the District of Columbia against said Susie V. Watwood.

Dated May 5, 1956.

* * * * * * * * *

ORDER

Upon consideration of the petition for allowance of an appeal from the judgment of the Municipal Court of Appeals for the District of Columbia entered herein on April 25, 1956, of petitioner's brief in support and of respondent's brief in opposition thereto, it is

ORDERED by the Court that the aforesaid petition for allowance of an appeal be, and it is hereby, denied.

Per Curiam.

Dated June 21, 1956

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APPENDIX C

STATUTES INVOLVED

Revised Judicial Code, 1948 Edition, Title 28, U. S. C., Chap. 81, § 1254. Courts of appeals; certiorari; * * * Cases in the courts of appeals may be reviewed by the Supreme Court in the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree; * * *

Act of Congress approved April 1, 1942, 56 Stat. 195, ch. 207, § 7 (§ 11-772, D. C. Code, 1951 edition):

"(a) Any party aggrieved by any final order or judgment of the Municipal Court for the District of Columbia * * * may appeal therefrom as of right to The Municipal Court of Appeals for the District of Columbia * * *: *Provided, however,* That * * * reviews of judgments in the criminal branch of the court where the penalty imposed is less than $50.00, shall be by application for the allowance of an appeal, filed in said Municipal Court of Appeals. Said application shall be on a standard form, in simple language, prescribed by The Municipal Court for the District of Columbia. * * * It shall be promptly presented by the clerk to the chief judge and to each of the associate judges for their consideration. If they or any one of them are of the opinion that the appeal should be allowed, the appeal shall be recorded as granted. * * * *If the chief judge and both associate judges shall be of the opinion that an appeal should be denied, such denial shall stand as an affirmance of the judgment of the trial court, from which there shall be no further appeal.* * * * " [Emphasis supplied]

Act of Congress approved April 1, 1942, 56 Stat. 196, ch. 207, § 8 (§ 11-773, D. C. Code, 1951 edition):

"Any party aggrieved by any judgment of The Municipal Court of Appeals for the District of Columbia may seek a review thereof by the United States Court of Appeals for the District of Colum-

bia by petition for the allowance of an appeal. The petition shall be in writing and shall be filed with the clerk of said United States Court of Appeals *within ten days after the entry of such judgment.* * * *" [Emphasis supplied]

RULES OF COURT INVOLVED

Rules of the United States Court of Appeals for the District of Columbia Governing Review of Cases from the Municipal Court of Appeals for the District of Columbia:

"Rule 1. *Character of Cases which May be Considered.*

Allowance of an appeal from the Municipal Court of Appeals is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons therefor. * * *"